

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE FRANCISCO GARCIA,

Plaintiff,

vs.

YAKIMA COUNTY,

Defendant.

NO: 13-CV-5100-JPH

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING ACTION WITHOUT  
PREJUDICE

Magistrate Judge Hutton filed a Report and Recommendation on November 18, 2013, recommending Plaintiff's Motion to Voluntarily Dismiss pursuant to Federal Rule of Civil Procedure 41(a) be granted (ECF No. 12). There being no objections, the Court **ADOPTS** the Report and Recommendation. The Motion to Voluntarily Dismiss (ECF No. 11) is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE**.

Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed.

1 Therefore, Plaintiff will still be obliged to pay the full filing fee for this action  
2 pursuant to 28 U.S.C. § 1915(b).

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff  
5 and close the file.

6 **DATED** December 18, 2013.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge